

### **REMARKS**

Claims 6-18 are pending in this application. Claims 6 and 14 have been amended.

Support for the amendments may be found, *inter alia*, in original claims 6 and 14. Applicants maintain that the amendments do not raise an issue of new matter. Entry of this Amendment is respectfully requested.

### **RESTRICTION REQUIREMENT**

The Office Action required restriction between the following, allegedly distinct, inventions:

Group I (claims 6-13), drawn to a method for treating a mammalian subject.

Group II (claims 14-22), drawn to a pharmaceutical composition and a biologically active agent comprising compound of formula I.

Applicants hereby confirm the telephone election of Group II (claims 14-22). Withdrawn claims 6-13 are being maintained of record, pending rejoinder or the filing of a divisional application.

### **INVENTION IS NOVEL**

Claims 14, 15, 18, 19 and 20 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Nogradi, et al. (Models in Chemistry, 1998, 135(1-2), 57-78). The basis for the rejection is that Compound 21 of Nogradi allegedly meets the structural limitations of each of the rejected claims. Applicants also point out Compound 22 of Nogradi, which is the methyl ester of Compound 21. The rejection is respectfully traversed.

In claims 14 and 18 R<sup>3</sup> is hydrogen, halo, or alkyl having from 1 to 3 carbon atoms. In claim 15 R<sup>3</sup> is hydrogen. In Nogradi Compounds 21 and 22, however, the central phenyl ring is substituted by methoxy. Therefore Nogradi does not teach all of the structural limitations of the claims.

Claims 19 and 20 were canceled by a Preliminary Amendment dated April 24, 2007. Accordingly, the rejection of claims 19 and 20 is moot.

Applicants respectfully submit that the anticipation rejection over Nogradi has been overcome.

#### **NO DOUBLE PATENTING**

Claims 19-22 have been rejected on grounds of obviousness-type double patenting as allegedly being unpatentable over claims 13 and 14 of U.S. Patent No. 6,946,491. The rejection is respectfully traversed. Claims 19-22 were canceled by a Preliminary Amendment dated April 24, 2007. Accordingly, the rejection is moot and should be withdrawn.

#### **CONCLUSION**

In view of the amendments and the preceding remarks, applicants respectfully submit that this application is now in condition for allowance. Reconsideration and withdrawal of all rejections and objections is respectfully requested.

It is believed that no fee is required in connection with the filing of this Amendment. If

any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

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